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September 18, 2018

By ECF

Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: *Correction Officers' Benevolent Ass'n v. City Of New York, et al.*,
17 Civ. 2899 (LTS)(JCF)
Our No. 2017-018199

Dear Judge Swain:

I am the Assistant Corporation Counsel assigned to defend the above-referenced action. Defendants write to seek an extension of their time to respond to plaintiffs' motion to file a first amended and supplemental complaint ("FAC")(Dkt Nos. 56-58) until October 19, 2018. Plaintiffs' motion to amend was filed on Friday, September 7, 2018. This is defendants' first request for an extension of time to respond to the motion to amend and plaintiffs consent to this extension.

In this case, defendants moved to dismiss the complaint which was granted by the Court. *See* Memorandum Opinion and Order, May 30, 2018 ("Decision"), Dkt No. 51; 2018 U.S. Dist. LEXIS 90457, 2018 WL 2435178 (S.D.N.Y May 30, 2018). The Decision permitted plaintiff until July 2nd to file a motion to amend the complaint under Rule 15(a). *Id.* at 15. The Decision required that plaintiffs' motion include a proposed FAC, "blacklined" to show the changes from the original complaint, as well as a memorandum of law. *Id.* With defendants' consent, plaintiffs sought and received the Court's permission to extend their time to move to amend, first from July 2nd, to August 3rd, and then to September 7th.

On September 7th, plaintiffs filed a motion to amend which is more than nine-hundred (900) pages long. It includes a 50 page FAC with well over 800 pages of exhibits. Plaintiffs' motion requires review of the original complaint and the Court's order, as well as a detailed analysis of plaintiffs' lengthy proposed FAC, and their exhibits. Furthermore, in September I am unavailable during the Jewish holidays.

HONORABLE LAURA TAYLOR SWAIN

United States District Judge

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The parties also respectfully suggest that the conference scheduled for November 30th, be adjourned until after the resolution of the motion.

Finally, the parties also respectfully request that the stay of discovery previously granted by the Court (scheduling order, June 2, 2017, Dkt. No. 32) be continued.

Thank you for your consideration of this matter.

Respectfully submitted,

/s/ *Alan Maer Schlesinger*

Alan M. Schlesinger
Assistant Corporation Counsel

cc: Koehler & Isaacs, LLP
Att: Cynthia Devasia
(By ECF)